S T A T E O F N E W Y O R K

365

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. CUSICK, LENTOL, GALEF, TITONE, TOBACCO -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to creating the crimes of dangerous driving in the fifth, fourth, third, second and first degrees

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The penal law is amended by adding five new sections 120.71, 120.72, 120.73, 120.74 and 120.75 to read as follows:

S 120.71 DANGEROUS DRIVING IN THE FIFTH DEGREE.

A PERSON IS GUILTY OF DANGEROUS DRIVING IN THE FIFTH DEGREE, WHEN HE OR SHE, HAVING BEEN CONVICTED WITHIN THE PRECEDING EIGHTEEN MONTHS OF ANY TWO VIOLATIONS OF SECTION FIVE HUNDRED NINE, FIVE HUNDRED ELEVEN, SIX HUNDRED, ELEVEN HUNDRED EIGHTY-TWO, ELEVEN HUNDRED NINETY-TWO, ELEVEN HUNDRED NINETY-TWO-A OR TWELVE HUNDRED TWELVE OF THE VEHICLE AND TRAFFIC LAW, OPERATES A MOTOR VEHICLE IN VIOLATION OF ANY OF SUCH SECTIONS OF THE VEHICLE AND TRAFFIC LAW, AND IN DOING SO CAUSES PHYSICAL INJURY TO ANOTHER PERSON.

DANGEROUS DRIVING IN THE FIFTH DEGREE IS A CLASS A MISDEMEANOR.

S 120.72 DANGEROUS DRIVING IN THE FOURTH DEGREE.

A PERSON IS GUILTY OF DANGEROUS DRIVING IN THE FOURTH DEGREE, WHEN HE OR SHE, KNOWINGLY HAS IN EFFECT THREE OR MORE SUSPENSIONS, IMPOSED ON AT LEAST THREE SEPARATE DATES FOR FAILURE TO ANSWER, APPEAR, OR PAY A FINE PURSUANT TO SUBDIVISION THREE OF SECTION TWO HUNDRED TWENTY-SIX OF THE VEHICLE AND TRAFFIC LAW OR PARAGRAPH A OF SUBDIVISION FOUR OF SECTION FIVE HUNDRED TEN OF THE VEHICLE AND TRAFFIC LAW AND WHILE OPERATING A MOTOR VEHICLE CAUSES PHYSICAL INJURY TO ANOTHER PERSON.

DANGEROUS DRIVING IN THE FOURTH DEGREE IS A CLASS E FELONY.

S 120.73 DANGEROUS DRIVING IN THE THIRD DEGREE.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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A PERSON IS GUILTY OF DANGEROUS DRIVING IN THE THIRD DEGREE, WHEN HE OR SHE, (A) KNOWINGLY HAS IN EFFECT TEN OR MORE SUSPENSIONS, IMPOSED ON AT LEAST TEN SEPARATE DATES FOR FAILURE TO ANSWER, APPEAR, OR PAY A FINE PURSUANT TO SUBDIVISION THREE OF SECTION TWO HUNDRED TWENTY-SIX OF THE VEHICLE AND TRAFFIC LAW OR PARAGRAPH A OF SUBDIVISION FOUR OF SECTION FIVE HUNDRED TEN OF THE VEHICLE AND TRAFFIC LAW AND WHILE OPERATING A MOTOR VEHICLE CAUSES PHYSICAL INJURY TO ANOTHER PERSON; (B) HAVING BEEN CONVICTED WITHIN THE PRECEDING EIGHTEEN MONTHS OF ANY TWO VIOLATIONS OF SECTION FIVE HUNDRED NINE, FIVE HUNDRED ELEVEN, SIX HUNDRED, ELEVEN HUNDRED EIGHTY-TWO, ELEVEN HUNDRED NINETY-TWO, ELEVEN HUNDRED NINETY-TWO-A, OR TWELVE HUNDRED TWELVE OF THE VEHICLE AND TRAFFIC LAW, OPERATES A MOTOR VEHICLE IN VIOLATION OF ANY SUCH SECTIONS OF THE VEHICLE AND TRAFFIC LAW, AND IN DOING SO CAUSES SERIOUS PHYSICAL INJURY TO ANOTHER PERSON; OR (C) WHEN HE OR SHE, KNOWINGLY HAS IN EFFECT THREE OR MORE SUSPENSIONS, IMPOSED ON AT LEAST THREE SEPARATE DATES FOR FAILURE TO ANSWER, APPEAR, OR PAY A FINE PURSUANT TO SUBDIVISION THREE OF SECTION TWO HUNDRED TWENTY-SIX OF THE VEHICLE AND TRAFFIC LAW OR PARAGRAPH A OF SUBDIVISION FOUR OF SECTION FIVE HUNDRED TEN OF THE VEHICLE AND TRAFFIC LAW AND WHILE OPERATING A MOTOR VEHICLE CAUSES SERIOUS PHYSICAL INJURY TO ANOTHER PERSON.

DANGEROUS DRIVING IN THE THIRD DEGREE IS A CLASS D FELONY.

S 120.74 DANGEROUS DRIVING IN THE SECOND DEGREE.

A PERSON IS GUILTY OF DANGEROUS DRIVING IN THE SECOND DEGREE, WHEN HE OR SHE, (A) KNOWINGLY HAS IN EFFECT TEN OR MORE SUSPENSIONS, IMPOSED ON AT LEAST TEN SEPARATE DATES FOR FAILURE TO ANSWER, APPEAR, OR PAY A FINE PURSUANT TO SUBDIVISION THREE OF SECTION TWO HUNDRED TWENTY-SIX OF THE VEHICLE AND TRAFFIC LAW OR PARAGRAPH A OF SUBDIVISION FOUR OF SECTION FIVE HUNDRED TEN OF THE VEHICLE AND TRAFFIC LAW AND WHILE OPERATING A MOTOR VEHICLE CAUSES SERIOUS PHYSICAL INJURY TO ANOTHER PERSON; OR (B) HAVING BEEN CONVICTED WITHIN THE PRECEDING EIGHTEEN MONTHS OF ANY TWO VIOLATIONS OF SECTION FIVE HUNDRED NINE, FIVE HUNDRED ELEVEN, SIX HUNDRED, ELEVEN HUNDRED EIGHTY-TWO, ELEVEN HUNDRED NINETY-TWO, ELEVEN HUNDRED NINETY-TWO-A, OR TWELVE HUNDRED TWELVE OF THE VEHICLE AND TRAFFIC LAW, HE OR SHE OPERATES A MOTOR VEHICLE IN VIOLATION OF ANY OF SUCH SECTIONS OF THE VEHICLE AND TRAFFIC LAW, AND IN DOING SO CAUSES THE DEATH OF ANOTHER PERSON.

DANGEROUS DRIVING IN THE SECOND DEGREE IS A CLASS C FELONY.

S 120.75 DANGEROUS DRIVING IN THE FIRST DEGREE.

A PERSON IS GUILTY OF DANGEROUS DRIVING IN THE FIRST DEGREE, WHEN HE OR SHE, KNOWINGLY HAS IN EFFECT TEN OR MORE SUSPENSIONS, IMPOSED ON AT LEAST TEN SEPARATE DATES FOR FAILURE TO ANSWER, APPEAR, OR PAY A FINE PURSUANT TO SUBDIVISION THREE OF SECTION TWO HUNDRED TWENTY-SIX OF THE VEHICLE AND TRAFFIC LAW OR PARAGRAPH A OF SUBDIVISION FOUR OF SECTION FIVE HUNDRED TEN OF THE VEHICLE AND TRAFFIC LAW AND WHILE OPERATING A MOTOR VEHICLE CAUSES THE DEATH OF ANOTHER PERSON.

DANGEROUS DRIVING IN THE FIRST DEGREE IS A CLASS B FELONY.

S 2. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.